

April 25, 2018

Mr. Henry A. Leskinen  
Eco-Science Professionals, Inc.  
P.O. Box 5006  
Glen Arm, Maryland 21057

Re: Billian Property  
Forest Buffer Variance  
Tracking # 02-18-2682

Dear Mr. Leskinen:

A request for a variance from Article 33, Title 3, a Law for the Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law), was received by this Department of Environmental Protection and Sustainability (EPS) on March 26, 2018. If granted, the current variance would allow 11,543 square feet of Forest Buffer impacts for the continued use of an existing dwelling, small residential yard, water well and septic system.

The Forest Buffer is being applied as part of a lot line adjustment request involving Parcel 336 that has been evaluated by the Development Review Committee (DRC). The action is being taken to resolve a deed conflict on several long-standing, small tracts of land along Keller Avenue. Parcel 1, to become the western half of the site, is being enlarged to encompass suitable septic reserve area uphill of the steep slopes and Forest Buffer that separate the house and yard from the unencumbered portion of the property. It shall be noted that Parcel 1 and the remaining eastern half of the site, Parcel 2, were granted a similar variance (tracking # 02-08-683) for 12,000 square feet of continued use within the Forest Buffer back in 2008 when they were part of a proposed 2-lot subdivision that is no longer being pursued. No new development is proposed at this time. To minimize impacts, the applicant proposes to install permanent protective signage along the Forest Buffer to remain.

This Department has reviewed your variance request and has determined that an unreasonable hardship would result from a literal interpretation of the regulations given that the residential uses existed in the buffer well-prior to inception of these regulations, and the residence will continue to be inhabited. We further find that performing mitigative measures such as those proposed can minimize the potential for impacts to water quality and aquatic resources as a result of this proposal.

Therefore, we will grant this request in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. The following note must appear on all subsequent plans submitted for this project:
  - “A variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains on April 25, 2018 to allow for the continued use of the dwelling and small residential yard at 8651 Keller Avenue. Conditions including recordation and posting of protective signage delineating the Forest Buffer were placed on this variance to reduce impacts to water quality.”
2. The full extent of the buffer on Parcel 1 shall be recorded as a Forest Buffer Easement in the Land Records of Baltimore County, along with its associated Declarations of Protective Covenants, Conditions and Restrictions, via an Exhibit A plat. The Exhibit A plat shall be recorded simultaneously with the deed for the adjusted parcel or prior to July 2, 2018, whichever comes first.
3. Surveyed limits of the Forest Buffer Easement shall be permanently posted at 100-foot intervals or at any turning points with “Forest Buffer - Do Not Disturb” signs in accordance with the DRC Request and Forest Buffer Variance plan. Permanent below grade markers to facilitate identification of easement limits shall be installed at each sign location. The signs and monuments must be installed prior to July 2, 2018 or to issuance of any grading, razing or building permits for the parcel, whichever comes first.
4. Parcel 2 shall be subject to the full extent of both Article 33, Title 3 and Title 6, the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains and the Forest Conservation Law, respectively, or whatever environmental laws are in effect at the time development plans are submitted to Baltimore County for approval.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

Mr. Henry A. Leskinen  
Billian Property  
Forest Buffer Variance  
April 25, 2018  
Page 3

If you have any questions regarding this correspondence, please contact Mr. Michael S. Kulis at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

DVL/msk

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I/we agree to the above conditions to bring my/our property into compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner's Printed Name